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Is the glass half full or half empty? Perceptions of the scale and nature of corruption in the Netherlands¹

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Abstract

This article summarises the empirical results of a study on the scale, nature and outcome of corruption cases in the Netherlands. It turns out that the number of convictions of corruption in the Netherlands has remained very stable in recent decades. After research on the nature of corruption, it is concluded that civil servants who are found to be susceptible to corruption tend not to be low-profile officials, but rather personalities with a reputation in the civil service organisation for being noticeable, colourful and astute ‘fixers’. They frequently possess or demand the freedom to arrange matters on their own and are known as thorough and enterprising people. The research material further shows that the briber and the bribed usually know each other well before the violation of integrity occurs. This is not confined to business or instrumental relationships, because an element of friendship or affection is regularly involved. Something that plays a role in this setting is that trust is pivotal to prolonged corruption relationships. After research on the outcome of corruption cases, it is concluded that criminal prosecutions once instituted result, in nine out of ten corruption cases, in a criminal conviction. Although suspects are sometimes acquitted on some counts, complete acquittals are rare. The punishment most frequently handed down is a community service order. Combinations with other punishments occur regularly, with a custodial sentence or fine often being suspended. An average of five civil servants and three bribers actually end up behind bars each year.

INTRODUCTION

Information gathered by the non-governmental organisation Transparency International (TI) has shown for many years that the Netherlands ranks among the world's least corruption-prone countries. As this finding is based on a perceptions index, it probably says more about how people view the Netherlands than about the real nature and scale of corruption in the country. Empirical research into this subject is scarce in the Netherlands. Therefore, it is not surprising that the report published by the Groupe d'Etats contre la Corruption of the Council of Europe (Greco, 2003) concluded that the picture of public sector corruption in the Netherlands was fragmented and incomplete. One of this working group's recommendations was that the Dutch authorities should promote research capable of casting greater light on the nature and scale of corruption. This recommendation was in tune with initiatives by the Dutch Cabinet and Parliament to obtain more clarity about the scale, nature and outcome of corruption cases in the Netherlands. The Research and Documentation Centre (WODC) of the Ministry of Justice translated this policy intention into an outline of the envisaged approach to the research. The research was conducted in 2004 and 2005 by the VU University Amsterdam. This article summarises the empirical results of the study. It concludes by briefly putting the results into perspective.

RESEARCH QUESTIONS AND STRUCTURE

The questions formulated by the Ministry of Justice were turned into a research plan. The plan involved first identifying and summarising existing knowledge, followed by the formulation of some new research questions designed to add knowledge about the scale, the nature and the

handling of cases of corruption in the public sector. The issue of the scale of corruption in public administration in the Netherlands was translated into questions that addressed the number of corruption investigations conducted in this field and how they were followed up. Essentially, the emphasis was on inventorying the number of internal investigations carried out into public sector corruption. Information on this subject was already available about municipalities and the police. Therefore, the objective was to find out how many corruption investigations had been carried out by institutions in other sectors of the public administration. With a view to obtaining this information, a questionnaire was sent to ministries, provincial authorities, the judiciary, water boards and autonomous administrative authorities. To enable comparison, the terminology and questionnaire items were harmonised as closely as possible with the survey conducted among municipal secretaries in 2003. A total of 341 public sector organisations received the letter; of these, 71% provided information about the number of internal corruption investigations. It has to be stressed however, that in the end, asking about ‘official’ internal investigations, is also asking about perceptions – not the perceptions of experts, such as those whose views form the basis of TI’s perceptions index, but the perceptions of administrators who keep official records and who filled out our questionnaire. In our research we asked about ‘serious suspicions of corruption, leading to some form of investigation’. It is clear that however well ‘serious suspicions’ and ‘some form of investigation’ are defined, they can be perceived differently in different organisations. It is certainly possible that in organisation A every suspicion is officially looked into and clearly documented; whereas in organisation B, when after one interview by a supervisor it becomes clear that her once serious suspicions were groundless, she forgets about the case and does not make an official record of it.

The issue of the nature of corruption in public administration in the Netherlands was broken down into distinct questions about the characteristics of corruption cases. The questions

centred on which sectors of the public administration were involved; who discovered and reported the corruption; what was required of the officials; what gifts, services or promises were given or made; the characteristics of the briber and the bribed and how their relationship could be typified. The emphasis when posing these questions was on case study research. The cases consisted of almost all investigations undertaken by the National Police Internal Investigation Department (NPIID) in the period between 2000 and 2003 and that concluded that there were strong grounds for suspicion of corruption.

A number of distinct questions were devised to address the issue of cases of suspected corruption were handled. The questions concerned the outcome of those cases that resulted in criminal investigations. In addition, several facets of the input, throughput, output and outcome of cases reported to the Public Prosecution Service were examined. In this part of the research, we used a variety of data gathering techniques, and a variety of sources, such as the Public Prosecution Service's data interrogation system, dossiers of current and completed investigations, and interviews. 'Doing' can obviously also mean that an official fails to do something (see for example: Kaptein, 2001, Lasthuizen et al., 2002, Vinkers, 2003).

SCALE

The first step towards gauging the scale of corruption was to examine suspicions arising from episodes people had observed in their own working environments. There was no research embracing the entire Dutch public administration apparatus that focused specifically on corruption. However, studies within the police service and among the Dutch labour force as a whole revealed regular observation of integrity violations like nepotism and the advantaging of friends and family.

This confronts us with the question of precisely how corruption should be defined. After

all, this strongly influences perception. According to the definition applied in this research, a corrupt civil servant or politician is one involved in providing, requesting or obtaining private favours or promises, where the briber aims to influence what the bribed party does in his/her official capacity. Advantaging friends and family from outside the organisation may fall within the same definition; the same goes for forms of nepotism. Corruption in this wide sense is anything but exceptional, according to research into what employees notice in their working environments. In a more specific sense, however, corruption involving important decisions and substantial personal gain is fairly rare, at least when measured by instances reported from within the working environment.

The picture of suspicions of corruption becomes firmer when we focus on internal investigations. By combining the outcomes of the survey carried out a few years ago among Dutch municipalities, with the data gathered through the present research, we determined the bandwidths of the number of internal investigations into corruption in the public administration. Table 1 shows the most important findings.

Table 1: Estimate of the number of internal corruption investigations per year

	internal corruption investigations		Corruption investigations per 1000 employees per year
	number per year	investigation period	
Ministries	43	(1999-2003)	0.19
Provinces	2	(1999-2003)	0.13
Judiciary	1	(1999-2003)	0.10
Water boards	2	(1999-2003)	0.17
Autonomous administrative authorities	3	(1999-2003)	0.06
Municipalities	61	(1998-2002)	0.31

Police	13	(1999-2000)	0.22
Prison service	5	(1997-1999)	
Total	130		

The absolute numbers may possibly create the impression that municipalities (61 investigations) and ministries (43 investigations) are relatively vulnerable public sector organisations. However, if we discount the number of employees covered by this examination, we can see that the differences are not very large. Relatively speaking there are slightly more corruption investigations in municipalities, but that is hardly surprising given their range of duties and their numerous direct contacts with the public and companies. Autonomous administrative authorities have relatively few corruption investigations. This is surprising because they are organisations that operate at arm's length from the classical public sector and, they are more likely than these other sectors to have to operate in accordance with market criteria.

The research conducted among municipalities and among the other parts of the public administration show roughly the same distribution between investigations handled internally and cases reported to the police and the judicial authorities: the ratio is 60%-40%. This means that of the 130 investigations a year, more than 50 cases of suspected corruption are reported to the police and the judicial authorities.

All in all, the new research confirms the picture that emerged from earlier studies, namely that the data concerning internal and criminal investigations suggest that the scale of public sector corruption, defined as bribery, must be put into perspective. However, there is no reason for complacency. A comparison of the number of internal and criminal investigations on the one hand, and the data concerning what people perceive in their working environments on the other, points to the conclusion that there is a different and more serious response to behaviour

‘officially’ considered corruption than to behaviour which, while not formally assigned to that category, comes very close to it, such as nepotism, conflicts of interest and collusion (Heuvel, 1998). People disagree about the norms that determine whether someone is corrupt, not about the reprehensiveness of ‘corruption’. So as soon as someone is labeled ‘corrupt,’ he or she is morally judged in a negative way. Corruption is a morally loaded term. Just as ‘integrity’ is a (morally) positive label and everyone seeks it, so corruption is a negative label. Since our views about morality differ in many respects, corruption is also a contested term (Graaf, 2006, Hoetjes, 1982, Johnston, 1996). People therefore do not like to use the term ‘corruption’. Even civil servants who have been convicted in court for taking bribes, hardly ever perceive themselves as ‘corrupt’ (Graaf, 2006, Dohmen and Verlaan, 2004). Nor is complacency justified if we take the integrity and corruption paradox into consideration (more attention to corruption, and more internal investigations within an organisation, suggest a more strenuous fight against the phenomenon, not more of it (Huberts and Lasthuizen, 2005)): it turned out from our research among municipalities that those with more corruption investigations were more alert and more assiduous in looking for possible cases, not that they had more corrupt employees. The city of Amsterdam is unique in the Netherlands in having had a special Integrity Bureau since 1997; and it has a much more active integrity policy than other municipalities – a policy that involves not just prevention, but also the detection of corruption. It turns out that the number of internal investigations of corruption, fraud and theft in Amsterdam rose sharply in the period 1997 to 2003, whereas the average number of investigations in other cities (comparable in size), stayed roughly the same over the period. Amsterdam seems awake, whereas other cities are dozing off. As stated earlier in this article, there seems to be a difference between the municipalities, in their *perceptions* of integrity and corruption.

The number of convictions of corruption in the Netherlands has remained very stable in

recent decades. One could conclude from this, that actual corruption is also very stable. However, the investigative capacities of the National Police Internal Investigation Department (NPIID) have remained much the same in recent decades. Furthermore, the NPIID has other duties, besides investigating corruption cases. Sometimes these other duties – like investigating a fire in a detention centre in 2006, in which eleven prisoners died – have priority. During parliamentary investigations into the so-called construction fraud in 2001, many suspicions of corruption against politicians and civil servants came to the fore. Only a limited number of these cases – that is, six, all involving officials from the provinces of Zuid-Holland and Noord-Holland – led to criminal investigations. These were all cases in which the limited detection capacities of the NPIID made it possible to obtain enough evidence, in a relatively short period, to have a reasonable chance of conviction. All of the cases were related to the whistleblower Ad Bos, without whom there would have been no parliamentary investigations. The question is, if the whistleblower had been from a different province, would the most criminal cases of corrupt officials then have come from that other province? If you do not look for something, you will not find it.

THE NATURE OF CORRUPTION

The survey conducted to find out the numbers of internal corruption investigations revealed that some official departments and procedures are more prone to corruption than others. They concern: the procurement of goods and services; the issuing of licences; the granting of subsidies; the awarding of tenders (contracting); confidential information (and its treatment) and internal management; goods and money. Other research confirms this picture, although it also points to vulnerability in the area of passports, visas, residency permits and similar documents (see also: Nelen and Nieuwendijk, 2003).

Surprisingly, a number of policy fields considered vulnerable (Heywood, 1997, Caiden et al., 2001, Huberts, 1996, Nelen and Nieuwendijk, 2003) are virtually absent from the national overview of corruption investigations we have presented. In particular, little information is available about investigations in sectors like agriculture, nature management, the environment, social security and public housing. Given the major financial and other interests at stake in these sectors, and the strict legislation and supervision to which they are subject, it is highly implausible that these fields have remained untouched by public sector corruption. Rather, there seems to be an insufficient focus on the phenomenon of corruption in these sectors.

The survey conducted among ministries, provinces, the judiciary, water boards and autonomous administrative authorities reveals that, among those that have been the subject of a corruption investigation in these settings, very few are administrators or politicians. The situation is different at municipal level, where corruption investigations relatively more often concern the conduct of a local politician, especially in smaller municipalities. The ten case studies also included instances of corruption allegations against aldermen. These cases mainly concerned relationships with the local business community, but also private interests such as licence applications.

The new empirical research confirms the findings of other studies, namely that most corruption investigations concern operational employees. In terms of absolute numbers, this is definitely not a surprising finding. After all, far more civil servants work at operational level than at managerial level. Despite this relativisation, we need to bear in mind that the threshold for civil servants for reporting the suspected corruption of a colleague might be lower than that for blowing the whistle on misconduct by their superiors (Near and Miceli, 1996). Moreover, because of their education, experience and position, managers might possess more refined neutralisation techniques than operational civil servants do for legitimising their own behaviour

and thus dispelling suspicions. Also, the higher one is in a hierarchy, the less clearly are duties defined, and thus the harder it is to investigate and prove corruption.

However, the notion that managers can almost completely escape corruption investigations was not confirmed by the survey of the Dutch public administration apparatus. Approximately one third of the corruption investigations were found to focus on managers, although it should be noted that the questions did not specify at what level the manager worked. This makes it impossible to determine whether the people involved worked at the top, or ranked among the middle managers. However, the case studies suggest that people at the very top figure only incidentally in the overall picture.

Another matter is the extent to which a corrupt civil servant cooperates or colludes with others or acts mainly on his own. The number of persons involved in each internal corruption investigation shows that in the vast majority of cases just one person is involved. Over five years, the newly examined authorities reported 16 investigations that concerned three or more persons. Corruption ‘in collusion’ thus appears to be exceptional, although this pronouncement needs to be qualified. After all, it is conceivable that internal investigations will – rightly or wrongly – quickly have focused on one ‘rotten apple’. The present study provides no conclusive answer to this question.

The case studies confirmed the picture obtained from other research that civil servants who are found to be susceptible to corruption tend not to be low-profile officials, but rather personalities with a reputation in the civil service organisation for being noticeable, colourful and astute ‘fixers’. They frequently possess or demand the freedom to arrange matters on their own and are known as thorough and enterprising people.

The research material further shows that the briber and the bribed usually know each other well before the violation of integrity occurs. This is not confined to business or instrumental

relationships, because an element of friendship or affection is regularly involved. Something that plays a role in this setting is that trust is pivotal to prolonged corruption relationships. It is no coincidence that bridges are sometimes built between civil servants and the outside world via partners, family members or friends. Corruption in these situations is not so much the result of a civil servant who is out to make a profit, but is more likely to ensue from a conflict between the moral obligations in the official's own micro-sphere (the circle of family and friends) and the ethics of public administration. Taken-for-granted close relationships between governmental organisations and the private sector also play a role in several cases (Heuvel et al., 2002). There is a collision of moral values and expectations, each with its own logic and comprehensibility. If a civil servant or politician is unable to deal with this situation, there will be the risk of a conflict of interests, one that is unacceptable in terms of the public interest.

The close interweaving of the public and private sectors also plays a role in some cases. Having professional and private dealings with stakeholder businesses creates blurred dividing lines and problems, with the inevitable risk of corruption. The relationship between doing something, and something being done in return, is often an indirect one. Services or favours are exchanged in a prolonged relationship, but the exchange does not occur at the same time or as a direct *quid pro quo*. Very large amounts are seldom involved.

THE HANDLING OF CORRUPTION CASES

Our study showed clearly that the police force conducts most criminal investigations into corruption. The subjects of these investigations tend to be officials attached to other government departments rather than police personnel. The National Police Internal Investigation Department also carries out a substantial proportion of the investigations. Apart from the Fiscal Intelligence and Investigation Department (Economic Crimes Division), government agencies with special

investigative powers are seldom involved in investigating corruption.

Prosecutions are brought against one or more of the main suspects in roughly one third of all criminal investigations. It was deduced from the databases of the Public Prosecution Service that each year an average of 33 people – not just civil servants suspected of having been bribed, but in some cases also the suspected bribers – are brought before the courts. When it drops charges the Public Prosecution Service appears to make significant allowance for the possibility of taking action other than criminal prosecution: no legal action is taken if a competent authority has already taken or plans to take disciplinary measures against a civil servant and such measures are held to be sufficient from society's point of view. Therefore, the only persons who appear before a criminal court are those for whom – in the opinion of the Public Prosecution Service – the public interest demands a court judgement and the evidential position is strong enough.

Criminal prosecutions were brought in about half of all the cases that were forwarded to the Public Prosecution Service in the period from 1994 to 2003 and were based at least in part on anti-corruption laws. Compared with the research conducted by Hoetjes (1991) thirteen years ago, the number of prosecutions has almost doubled.

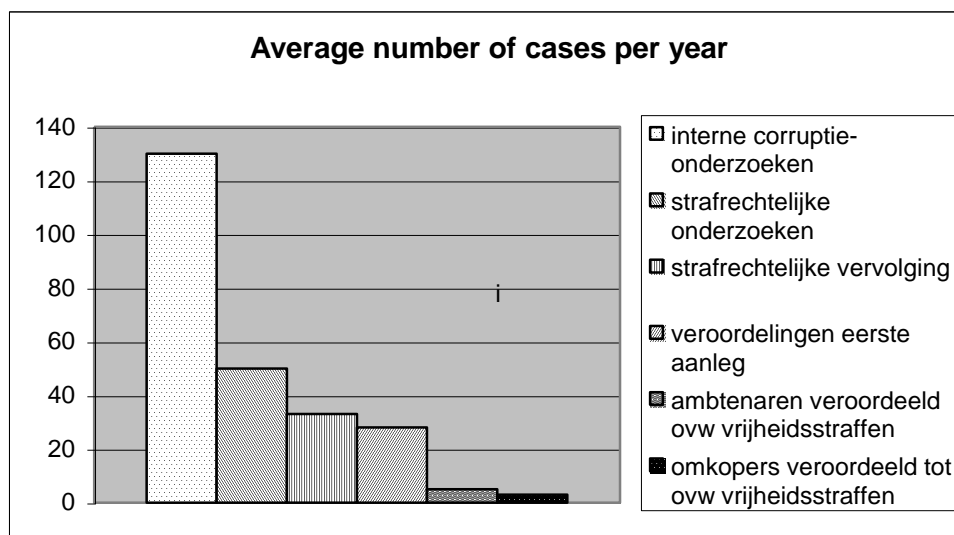
Criminal prosecutions once instituted result, in nine out of ten corruption cases, in a criminal conviction. Although suspects are sometimes acquitted on some counts – including the corruption charges in some instances – complete acquittals are rare.

The punishment most frequently handed down is a community service order. Combinations with other punishments occur regularly, with a custodial sentence or fine often being suspended. Over a period of ten years, the courts ordered custodial sentences to be carried out for 77 persons, including 49 civil servants. Therefore, an average of five civil servants and three bribers actually end up behind bars each year.

The differences between the sentences demanded by public prosecutors, and initial

sentences given by the courts, are mainly that the former request immediate custodial sentences and/or fines while the latter hand down suspended forms of punishment. The courts appear to be guided mainly by the organisational contexts that allow the corruption to occur and by the consequences that the individual faces under labour law (usually dismissal).

The figure below is a diagrammatical representation showing the outcome of corruption cases.



- Internal corruption investigations
- Criminal investigations
- Criminal prosecutions
- Sentences in courts of first instance
- Civil servants sentenced to enforced custodial sentences
- Bribers sentenced to enforced custodial sentences

The difficulties involved in investigating and prosecuting public sector corruption are inextricably linked to the type of crime involved. From a technical point of view, investigators are often handicapped by the circumstance that in many cases a considerable amount of time separates the moment when corruption signals first start bubbling to the surface in an

organisation, and an actual investigation gets underway. Consequently, investigators frequently have to delve back a number of years into the past, with all the difficulties this entails. Add to this the circumstance that suspects often prefer to remain silent and that the civil service apparatus is not always overly cooperative, and it becomes clear that corruption investigations are intrinsically difficult. What is more our interviews, and the literature we examined, revealed that controlling and carrying out corruption investigations requires improvement in terms of quality and continuity. For its part, the Public Prosecution Service can fall into line with developments already initiated in the organisation's current process of change. In particular, there should be more and better forms of inter-collegial testing to ensure that important decisions concerning criminal prosecutions are not based solely on the insights of individual public prosecutors, sometimes prompted by the leader of the investigation team.

CORRUPTION MONITOR

One of the questions the project examined was whether a corruption monitor could help provide a better picture of the corruption problem and the way it is addressed. We can answer this question in the affirmative. The research conducted provides some stepping stones (the data must be kept up-to-date) which we would couple with the recommendation to try some new investigative strategies. One such recommendation would be to ask civil servants directly about their own experiences with bribery (using methods that guarantee anonymity). Another would be to experiment with large-scale anonymous public surveys (which have been used little if at all in the investigation of corruption) This would certainly be advantageous if the questions were not confined solely to corruption, but also covered integrity violations in the wider sense. This latter point underscores the need to avoid examining corruption as a stand-alone phenomenon, but to examine it, rather, in conjunction with other kinds of violations of integrity. There are various

reasons for adopting such an approach – such as the fact that corruption often borders on or is accompanied by numerous other violations of integrity, or that corrupt relationships often begin relatively insignificantly and innocently, after which, step-by-step, they become more intense and the stakes get higher. This slippery slope suggests that less serious integrity violations precede corruption.

THE CORRUPTION GLASS

The research into corruption we have summarised in this article is the most comprehensive of its kind conducted over the past few decades in the Netherlands. What makes the research special is that it was carried out through cooperation between public administration experts and criminologists and that a variety of research and data gathering methods were used to address the scale, nature and settlement of public sector corruption in the Netherlands.

It is important to remember what this corruption research was all about. Corruption is about providing, requesting or obtaining private favours with a view to a person doing or not doing something in their official capacity. Our research concerns corruption in the sense of bribing and being bribed.

We are the first to acknowledge that the research methodologies have their limitations. Hard figures about the exact extent of corruption cannot be given. There is no research methodology that can completely overcome the problem of dark numbers (Sampford et al., 2006), partly because the crime of corruption knows no direct victims. Researchers therefore always have to rely on more indirect research methods.

The research report leaked out and on its front page, the daily newspaper *NRC Handelsblad* claimed, on the basis of the study, ‘Five percent of politicians are corrupt’. Many media organisations, columnists, politicians, policymakers and academics responded to the

headline, which created the impression that it embodied an important conclusion. However, this 5% concerns the opinion of civil servants, i.e. it is reputational data, not the factual situation. You cannot draw from this any conclusions about the ‘true’ scale of corruption. This does not alter the fact that politicians should occasionally give some thought to the reasons for their rather negative reputation.

So, how bad is corruption in the Netherlands? First of all, the glass is clearly not empty. The research we have reported in this article, as well as information from the past, teaches us that those who look for corruption in the Netherlands will find it. The research material does not provide any reason for complacency or for sitting back and doing nothing. We focused on the number of corruption investigations conducted by the authorities themselves. We know that each year there are approximately 130 internal corruption investigations. Given the total number of civil servants and politicians, this does not appear to be such a bad figure. Out of every 10,000 employees, only a few are the subject of an internal investigation each year. Yet every second working day a new corruption investigation begins somewhere in the governmental apparatus in the Netherlands. Is the glass therefore half full? If one takes the position that every case is one too many, yes. However, the glass is clearly not completely full. Interpretations to the effect that the Netherlands has a worryingly large number of corrupt politicians and civil servants are at odds with the results of the research. By the same token, the research has not demonstrated that there is nothing to worry about when it comes to integrity issues in public administration in the Netherlands. We conclude that the glass is both ‘half full’ and ‘half empty.’

Corruption must certainly be taken seriously. The corruption paradox and the Amsterdam example make clear that government organisations that allow their attention to corruption and other integrity violations to wander run serious risks. Many municipalities, provinces and ministries report that in recent years they have not conducted any investigations whatsoever into

corruption or fraud (!). This concerns many large government organisations, with thousands of employees. Moreover, investigations are rare in some sectors – such as social security, nature, the environment and public housing – that are usually considered vulnerable (Huberts, 1996). To conduct few if any investigations is to stretch credibility. It is time for these authorities to realise this and wake up. The relevant ministers concerned should also address this matter. Somebody who looks and finds something cannot attract blame; but somebody who doesn't even look certainly has something to explain. We do not call for a corruption witch hunt with its clear dangers (Anechiarico and Jacobs, 1996); and we would like to warn against 'integritism' (Huberts, 2005) – but not doing anything at all is not wise.

Other considerations too warn against complacency. The research had to be confined to corruption in the narrow sense (bribery). However, integrity is about much more besides corruption. It also touches on conflicts of interest, abuses of power, manipulation of information, greasing palms and lionising, intimidation and discrimination and misconduct in a person's private life. We believe it would be a crucial error to confine the acquisition of knowledge and policymaking to corruption in the narrow sense. Ministers recently put forward an Anti-Corruption Policy Memorandum and, at the time of writing, the lower house of Parliament was due to discuss the fight against corruption shortly thereafter. But the time has come for an integrity policy memorandum and for a policy that promotes integrity.

In political science and the science of public administration, too, we believe, there is a need for far more attention to this subject. Courses and research are dominated by the technical side of politics and administration, while the ethical side receives far less attention.

Note

¹ This article presents a summary of the principal results contained in the book, *Corruptie in het Nederlandse openbaar bestuur* (Utrecht: Lemma, 2005). Readers are invited to refer to the book for an overview of existing research with numerous references.

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